THE

Hindu Message

A Weekly Review of Indian and World-Problems from the Hindu Standpoint.

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The Hindu Message stands for
(1) Self-Government for India within the British Commonwealth,
(2) Co-operation with the different communities of India without prejudice to Hindu Dharma,
(3) Education of the Hindus as an integral part of the Indian Nation,
(4) Advancement of Material prosperity on a spiritual b sis and
(5) Dissemination of pure Hindu Cultre.

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A Vision of India.

INDIA'S PLACES OF PILGRIMAGE.

By K. S. Ramaswami Sastri, B.A., B.L.,

O town through which the Tamraparni flows
Perennial in its flow and loveliness!
How can I sing the beauty of thy dress
And soul, O many-suburb-petalled rose!
When'er I thin k of thee my fondness glows
As here my sainted teacher me did bless
With mystic lore's exalted blessedness
Which with the growth of time in rapture grows.
And in thy temple shines fair Kanthimathi
And Lord of sweet life-giving golden grain
To dower the world with wealth and godward dream.
I cannot think of higher ecstacy
Or better means of winning inner gain
Than praying here by Tamraparni's stream.

Great Thoughts.

Learning dissipates many doubts, and causes things otherwise invisible to be seen, and is the eye of everyone who is not absolutely blind.

Good actions lead to success, as good medicines to a cure; a healthy man is joyful, and a diligent man attains learning; a just man gains the reward of his virtue.

Just as the track of birds that cleave the air
Is not discovered, nor yet the path of fish
That skim the water, so the course of those
Who do good actions is not always seen.

Knowledge produces mildness of speech; mildness of speech a good character; a good character, wealth; wealth, if virtuous actions attend it, happiness.

As gold is tried by the furnace, and the baser metal shown, so the hollow-hearted friend is shown by adversity.

The son who delights his father by his good actions; the wife who seeks only her husband's good; the friend who is the same in prosperity and adversity—these three things are the reward of virtue.

A vacant mind is open to all suggestions, as the hollow mountain returns all sounds.

Books are the depository of everything that is most honourable to man. He that loves reading has everything within his reach.

Events of the Week

There has come, since we last wrote, a new phase of the Kenya question. Three native African Chiefs have gone to England to place the native view before the responsible authorities. And they must be making the upholders of the trustee theory somewhat uncomfortable. For, they protest against the rights of self-government being granted to Kenya at present, thereby handing them over to the tender merices of the White settlers. They prefer a crown colony government. We dare say it will be found in time that these chiefs are renegades or whatever else might come in handy to denounce them as unrepresentative of the natives on whose behalf they claim to speak. The poor chiefs probably know little of the arts of propaganda the Whites excel in. In this connection, though the *New Statesman* wrote a curiously unbalanced note deprecating the stand taken by the Indian delegation, it is worthy of note that the *Nation* under its new directors has gone out of the way somewhat to complement the Indians on the studied restraint and moderation of tone with which they are presenting their irrefragable case. That journal also has no difficulty in exposing the pretensions of White solicitude for the natives of Africa. Another matter of interest our readers will not have failed to notice. The Kenya conversations have now reached almost a final stage: and at this inopportune moment it hath pleased Providence to confine our Rt. honourable gentleman to a nursing home. Mr. Sastri is too much of a statesman and diplomat of the brand Western. And we have a suspicion—*New India* will tell us it is an unworthy suspicion—that Mr. Sastri went into a nursing home because with his lost popularity among his countrymen he did not want to have anything to do with the really effective part of the conversations. Whatever that may be, there is need for the country to be prepared for the worst and consequently to cast about for more effective ways of helping our countrymen abroad.

***

Mr. P. P. Ginwala is an overheroic gentleman who takes himself and his functions as Chief Whip of the Democratic Party rather seriously. Moreover he fills such a multitude of functions that somewhat incline him to think that he never ope's his mouth but to speak rare wisdom. This gentleman had occasion sometime ago to animadvert on Mr. Seshagiri Iyer's vacillation and indecision, fatal in a party leader, on the contretemps over the salt tax certification. There is much to be said—a convenient and inoffensive way of saying that it is all bunkum—for Mr. Ginwala's conception of the functions and duties of a leader. But we are disposed to agree with the *Tribune* that Mr. Seshagiri Iyer is undoubtedly much nearer the mark. That a Punjabee organ of opinion edited by a Bengalee holds views akin to our own will acquit us of all parochialism, we hope. Says Mr. Seshagiri Iyer: "I do not rgree with Mr. Ginwala that the leader of the party must *always* guide and should under no circumstances be guided. If he finds that his ideas are irreconcilably opposed to theirs he ought to retire from the leadership." This is a mere truism; both leaders and followers do influence each other in such subtle ways that, as the practice of democratic countries will testify, it is sometimes impossible to discern where the inspiration really comes from. Exceptional circumstances often produce exceptional men: but as a normality the leader who begins to educate a party only ends in disrupting it. It is this very commonplace that Mr. Ginwala obviously forgot.

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An India office communique dated Sunday gives the composition of the Services Commission as follows: Lord Lee (Chairman), Sir Reginald Craddock, Sir Cyril Jackson, Sir Chimanlal Setalvad, Muhammad Habibullah, Hari Kishan Kaul, David Petrie, B. Basu and Reginald Coupland. The Commission will start work on the arrival of the members from India. It is evident from the personnel of the Commission that the clamorous Services have won: and their greedy demands will be satisfied. It is noteworthy that none of the members could have any disposition to view the question from a purely equitable point of view. And the fitness of the members to decide on the many and complicated issues which envelop the future of the Services is very questionable. Lord Lee has filled quite a respectable number of appointments, including short spells of office at the Admiralty and the War Office—a fatal qualification we think. Sir Reginald Craddock is sufficiently well-known. Sir Cyril Jackson's qualifications are pretty much like Lord Lee's own, for our present purposes. Mr. Petrie was a member of the N. P. Police force and all these gentlemen and the other name of which we now hear for the first time may be trusted to place faith in the views of the men on the spot. So against this majority of five are pitted four Indians of the safe variety. It is a packed Commission in fact: and while commiserating our Moderate friends on the successive rooting out of their political landmarks we must congratulate the Services on the success that has attended their clamorous and insubordinate agitations.

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There is still balm in Gilead, think our moderate friends, since Mr. Baldwin has appointed a day for the discussion of the India Office vote when the question of the certification of the salt tax might be raised. Irrepressible is hope: and moderate hopes even when deferred do not make the heart sick but only spur them on to renewed, if alas fruitless, endeavours.

***

In the House of Commons last Thursday in answer to questions, the Under-Secretary of State for India said that no difficulty had hitherto been experienced in meeting the requirements of the Government of India in qualified Police Officers. The Selection Board had recently recommended for the appointment of eleven ex-service candidates, with excellent military and police records, from among 600 applicants. Then what becomes of the hue and cry raised of the danger threatening the Punjaub and other provinces by the refusal of competent men to serve any longer and of the inferential argument that India does not now offer inducements of a career for young hopefuls in England. Poor Sir Michael O'Dwyer and poor Lord Sydenham!

***

Congress politics is becoming more and more involved, which surely reflects no credit on the leaders of the various seceding sections. Mr. Das's maladroit and incurably vain egotism and the die-hard obstinacy of the Salem Mahatma seem for the moment to have hushed many responsible voices into silence. We shall have occasion to deal with this at length,

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There have been technical as well as economic and political objections urged against the proposed naval base at Singapore. We are not competent to decide the purely technical issue. From the point of view of expenditure, there are valid reasons for presuming that, though the initial cost has been set down at 10,000,000, it will come to double that amount, not considering the heavy recurring maintenance charges. But the most formidable objection against the new base is from the point of view of international good fellowship. It is justly held that the new base will arouse the suspicions of Japan, in as much as the tactless assertion that under the Washington Pact England is precluded from developing Hongkong can only mean that Singapore is in some way a set off for a Pacific base—which again will doubtless be construed as due to distrust of Japanese intentions and as a positive menace to freedom of action on Japan's part in the Pacific Ocean. Mr. Asquith made a protest agaist the moral implications of the new base: and in fact it looks as if Britain wanted to circumvent the terms of the Washington Pact and to leave Japan in a very disadvantageous position. It is quite in keeping with the ironic attitude of the Gods that the Washington Pact should open the way to a race in armaments, which is an inevitable result of this British move and which the Conference was intended to prevent by inducing a better frame of mind in the nations who were parties thereto.

The Hindu Message

Menaces to Hinduism: Old and New.

The attention of lovers of Hindu culture would not have been failed to be drawn to some recent social and religious movements in our Presidency which are a wanton and indescribable outrage on the over-patient long-suffering socio-religious organisation of our society. Forty years ago the Theosophical Society settled like a Vampire on our body social and it has not yet been glutted with blood. It came as the friend of all religions and its operations have been so subtle and mysterious and murderous that every religion has cried out to God to save it from such a candid friend. It is ostensibly a research society, an institution of brotherhood, and a servant of truth. Its apparent humility and innocuousness have been the cause of its great popularity. The vicotories won by such traits were consolidated and conserved by a mixture of imposture and charlatanry. The loose structure of Hindu Society induces some spirits to seek a strong organisation which could and did confer certain undesirable temporal benefits, and which made no demands, irksome to the body though beneficial to the soul, like the Hindu religion. Theosophy has evolved also a mythology, a round of ceremonial and a heirarchy—elements which grew around other religions as an inner growth or as a gift from Heaven but which it assumed out of prudence aforethought to complete its sway over the gullibility of man. It has of late been busy tampering with the sacred books of Hinduism and even producing forged antique scriptures. The New and doped epics and Dharma Sastras followed by manufactured commentaries rained by fictitious Sages from imaginary sacred trees have been showered on the world. We have been even treated to interminable Theosophical Jataka stories, wherein the lives of the shining lights of Theosophy are traced back and prophecied forward with a prolific inventiveness that bids fair to hasten the deluges prophecied for the world to bring its agonised heart to rest. Its latest effort is the exploitation of an imaginary World-Teacher to come. It has even invaded the sanctity of Hindu home-life.

While Theosophy is binding internally its chain over the Hindu spirit as it is binding externally its chain of societies over the globe, Protestant movements of revolt and dissidence from within Hinduism have arisen. The Brahmo-Samaj with its *olla podrida* of extracts made to duty as scripture and its appeal to the heart (whose heart ?) as the Pramana of truth, has been living a kind of death-in-life. It dined for a while on the verbal feast provided by Keshub Chunder Sen and has been in a state of starvation since his death. Ever and anon an attempt is made to manifest its vitality. But these attempts are the conclusive movements of the self-strangulated and not movements of victorious life. The Arya-Samaj with its pseudo-science, its deification of the misinterpreted Rig Veda and its *havans* and what not seems to have a few zealots attached to it. It makes a railway trip now and then from Lahore to Calicut but as quickly goes back. It is a kind of Mahommaden Hinduism and is in fact becoming a Hindu Mahomadanism. It does not know its mind for two days together and is an invertebrate Sikhism and nothing more.

Then we have had Social Reform which is now in a state of rapid dissolution. It sought to acheive regeneration by a verbal transplantation of western social institutions. It thought that it could stamp out the old social order by stumping the country. It is now so moribund that no one bestows a thought on it and it is best left alone.

Some decades ago two men, who were the sole leaders and the sole followers of the movement, announced the rebirth of Buddhism in South India. Since then nothing was done by them or by it but in the meanwhile Theosophy (which differs from Hinduism in vital respects) took up their work and went on preaching as purgated Hinduism a concealed and masqueraded Buddhism. This adopted child of Theosophy has now come into adolescence and is making an exhibition of itself. On 7th June 1923—mark the holy day—there was a gathering at Palghat. Mr. Manjeri Rama Aiyar stormed at the vagaries of Hinduism and proclaimed the glories of Buddhism. This new Avatar is resolved to undo the evil work done by Sri Sankara in driving Buddhism out of the land. He and Sir. T. Sadasiva

Aiyar and others took a terrible Buddhist oath. This was followed by a cosmopolitan dinner. That goes, of course, without saying. Then the Kerala Buddhist Society was formed. It was also revealed that the recently formed Bharat Samaj is but a Buddhist Society in disguise.

We do not want to curb individual freedom. But license, if Society does not defend itself against it (Society need not stamp it out), will lead to thorough disruption and disintegration and decay. We need not say that there should be any curses by bell, book and candle, or any interdictions of fire and water. Such mediæeval and barbarous methods were never known to tolerant India and are repugnant to her nature. But the real truths of Hinduism on its social side and on its spiritual side must be taught by organised effort. Organisation wins in the world. Disorganised Hinduism will go down and die if it allows foolish and inherently unsound but organised dissent and perversion to take its citadels by storm.

Foreign Affairs.

The visit of Marshal Foch to Poland and Czecho-Slovakia in mail week appears to *The Nation and the Athenaeum* as but a national incident in France's 'hardly disguised policy of the maintenance of Continental alliances to secure her in her next war.' This will not come as a surprise on those of our readers who had watched Franco-Polish relations ever since, some three years ago, M. Pilsudsky the Polish Premier visited France and took the cue on the Silesian question. Lest what is sufficiently obvious in itself should escape the more obtuse among his readers, we are told, the special correspondent of the *Daily Mail* in Poland is at pains to point out that 'France, with her diminishing population, has done well to obtain as an ally such a prolific and martial nation, which in fifteen years' time will be able, if necessary, to put a million men in the field to hold Russia or Germany in check.' '*The Nation*' comments as follows — All the circumstances of Marshal Foch's progress through Eastern Europe go to emphasize the contest that shapes itself more clearly every day between the armies of France and the spirit of the League of Nations. In such a contest Czecho-Slovakia may play a decisive part, for the moulders of foreign policy in that country, despite the welcome given to the Allied Commander-in-Chief, are doing their utmost to work through the League wherever possible. But with France ready to offer them loans despite her own financial condition and to back them, regardless of the general interest, when they oppose the lifting of reparation liens on Hungary as a preliminary to her financial recovery, they are under strong temptation to take the old way of separate military alliances.

* * *

According to the London correspondent of the *Statesman*, grave trouble is brewing once more between Japan and the United States of America. Mr. Hanithara, the Japanese Ambassador, in the closing days of the last month, made a speech at the Japanese society in New York animadverting on the discriminatory laws now restricting Japanese immigration and ownerships of land. The Ambassador described the continuance of these restrictions as the single cloud on the sky of Americo-Japanese peace and indicated that Japan intends asking for a revision of the same. He made it plain, what is well known to the Government of the U. S. A. that it is not the actual right to flood America with Japanese subjects which Japan seeks, but rather the lifting of the embargo, which is a standing affront to Japanese racial pride. The U. S. Supreme Court recently decided that Japanese are not entitled to naturalisation for American citizenship. It also decided upon the validity of local laws enacted in California, debarring Japanese from either ownership or tenancy of land. If this prohibition is sustained, it is certain to stir that animosity which Washington well understands to be lying dormant.

* * *

Another phase begins of the interminable discussion on German Reparations with Germany's presenting yet another note a few days ago. Yet, on careful analysis, it will be seen that this note is only an improved edition of the previous note. The improvement is in the very important matter of presentation. It emphasises the offer to accept the decision of an impartial international body, regarding the amount and method of payment of Reparations. It repeats the request for a conference to decide how best to discharge obligations, saying that oral discussion is essential. The Note offers to substitute a scheme of annuities, if big scale loans should be impracticable and offers guarantees in the shape of railways and first mortgages on real estate, each of which will produce five hundred million gold marks annually. It suggests further pledging of import customs on consumable non-necessities, excise on tobacco, beer, wine and sugar, and receipts on spirits monopoly. The Note offers to supply the international body with all the available information necessary for the forming of a reliable judgment of Germany's capacity to pay and to throw open to inspection all Germany's financial records and furnish details of resources of German industry and business. Interest at the rate of five per cent on bonds for ten million gold marks would be the direct first charge on German railways from 1st July 1927. The entire business, industry, banking, trade, traffic and agriculture of Germany would be concerned in mortgage on real estate, annual dues of five hundred millions being levied either indirectly in the form of a general tax on all classes of property or on specific objects of mortgage.

* * *

Now the question is, will this scheme be accepted ?— which scheme, we hold for sufficient reasons, as already contained in the recent rejected offer of Germany. Everything depends, we may once again say, on the attitude of France. England and Italy in recent weeks have shown signs of a closer understanding of this problem. The London Press is almost unanimous in hailing this note as marking a very substantial advance on all previous offers, particularly on account of the concrete guarantees that are suggested. Some things would seem to be generally admitted except in France and perhaps Belgium. Germany's present plight precludes her fixing the sum due from her as Reparation ; that she has made a perfectly honourable, a perfectly reasonable, "perfectly equitable offer when she proposed that the question of her capacity to pay should be referred to an international body of financiers, and unless France is mad with imperialistic projects, a not improbable supposition, even she must admit that it is futile to insist on the abandonment of passive resistance in the Ruhr before the reopening of negotiations should be possible. The abandonment of German passive resistance in the Ruhr would most certainly precipitate a political crisis in Germany, possibly leading to anarchy, over and above the obvious disadvantage thereby entailed that Germany would then be throwing away the only means of effective resistance. France, however, has not so far shown any indication of appreciating the very serious responsibility that will be on her if she refuses to be agreeable to the overwhelming opinion of the world. The French newspapers state that the request for a moratorium cannot be granted, while the proposal for an International Conference is considered a clever ruse to obtain a fresh reduction of the Allied demands. But sane opinion has long been convinced that were a moratorium refused Germany would go gulp down a financial debacle of a serious nature, thus imperilling the chances of any Reparation amount being realised for a long time yet.

Social and Religious.

The Bhagavad Gita.

With an English Exposition
By K. S. RAMASWAMY SASTRI, B.A., B.L.
(The substance of the lectures delivered at the Students' Sanatana Dharma Sabha, Trichinopoly,)

ADHYAYA XI

Thus in the Tenth Chapter the *Vibhutis* of Bhagavan were described in *extenso*. Arjuna now seeks to behold them by direct vision, for 'things seen are mightier than things heard.'

मदनुग्रहाय परमं गुह्यमध्यात्मसंज्ञितम् ।
यत्त्वयोक्तं वचस्तेन मोहोऽयं विगतो मम ॥ १ ॥

By the words, profound and having as their object the discrimination of the self, uttered by you out of grace towards me, my delusion has disappeared.

भवाप्ययौ हि भूतानां श्रुतौ विस्तरशो मया ।
त्वत्तः कमलपत्राक्ष माहात्म्यमपि चाव्ययम् ॥ २ ॥

From thee, O Thou with lotus eyes, I have heard in detail the origin and dissolution of embodied beings as also thy imperishable greatness.

एवमेतद्यथात्थ त्वमात्मानं परमेश्वर ।
द्रष्टुमिच्छामि ते रूपमैश्वरं पुरुषोत्तम ॥ ३ ॥

O God Supreme, as Thou hast declared Thyself, even so verily it is. I desire to see Thy Isvara form, O Purushottama.

NOTES

1. ऐश्वरं Sri Ramanujacharya says in noble words: ऐश्वरं त्वदसाधारणं सर्वस्य प्रशासितृत्वे पालयितृत्वे स्रष्टृत्वे संहर्तृत्वे भर्तृत्वे कल्याणगुणकरत्वे परतरत्वे सकलेतरविसजातीयत्वेऽवस्थितम ।

मन्यसे यदि तच्छक्यं मया द्रष्टुमिति प्रभो ।
योगेश्वर ततो मे त्वं दर्शयात्मानमव्ययम् ॥ ४ ॥

If, O Lord, Thou deemest that by me It can be seen, then, O Lord of Yogis, show me thy Eternal Self.

NOTES

1. It is easy to the Lord to reveal His form to his devotee after fitting the latter to realise the divine vision इच्छामात्रं प्रभोः सृष्टिः ।

To be continued.

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Agricultural.

Land-Problems in India.

By V. RANGASWAMY AIYANGAR.

(continued)

In dealing with the communal tenure Land Problems in Europe we have shown that any central state must have had its origin in a small village-state and with such a state, the history tells us that the Romans began their career of civilization and this village state was a corporation of peasant proprietors united under a chief and its absortion into the central state led to the decay of peasant-proprietorship over whose ruins, large estates, were allowed to grow and the same thing was repeated by the modern European nations in the beginning of their career under different conditions.

In India on the other hand, from the earliest times the village states were co-existing with the central state as part of the integral whole:--In fact both the central and village state evolved together.

There are authorities to show that it was the deliberate policy of the Hindu statemanship to bring into existance from time to time, more village states for the express purpose of promoting peasant proprietorship and the well-being of the rural population in general.

There is a special chapter in the Arthasastra devoted to the subject of "Formation of new villages (Chapter 1 Book 11)". The following are taken from it:---"Either by inducing foreigners to imigrate or by causing the thickly populated centres of his own kingdom to send forth the excessive population, the king may construct villages either on new sites or on old ruins".

Villages consisting each of not less than hundred families and of not more than five hundred families of agricultural people of sudra caste with boundaries extending as for as a Krosa (225 yeards) or two and capable of protecting each other, shall be formed.

The king is enjoined (a) to endow lands to Brahmins who perform sacrifies, spiritual guides, superintendents, accountants, veternary surgeons, physicians etc. (b) to allow remission of taxes on the occasion of opening new settlements and (c) to construct reservoirs, roads and to help the people with materials.

It says "He (king) shall regard with fatherly kindness those who have parted the period of remission." In his "Ancient and Medevial Architecture," Mr. Havel gives one of the typical plans for the formation of the villages; and in these plans, the meeting places of the village community are mentioned.

The South Indian History furnishes concrete examples of the methods of agricultural colonization. It was during the 11th, 12th, and 13th centuries, the Chola kings, with the object of bringing large tracts of thick forests or waste lands, under cultivation, "excavated several channels forirrigation from Cauvery which are known by their names—Virasholanar, Vikramanar, Kirtimanar, Mudikondar, and established agricultural colonies and Brahman agraharams for the spread of Aryan civilization, built most temples that exist in such numbers in the Tanjore district and the ancient anicut (dam) across the Cauvery" (Author of the "Forty year's Progress.")

The Tamil country is best suited for our study for this reason. For the "most of this tract" says our author "had in a great measure escaped the dominion of the Mohomedans and we therefore find the Hindu institutions more perfect than in other parts", and they are said to have been serving their

allotted functions almost unimpaired till the latter half of the 18th century.

The story of their tragic extinction, is found related in one of the darkest chapters in the British Indian administration, nay in the history of civilization and humanity and it was finally owing to the land policy of the British rule, that these institutions were finally compelled to commit suicide. The official records shew that they thrived well under Maharatta rule in Tanjore until passed into the hands of the British. "It is to this gentleman (Mr. Lional Place the 1st Collector of Madras in 1790)" says our author "that we are indebted for the correct information obtained of the land tenures in India. Villages were discovered to be corporate bodies, with their internal municipality, land belonging to the corporation, this was subdivided into shares which were saleable and still retained all the value of the real property". The official documents relate to the successive stages of evolution of village organization and peasant proprietorship and the part which as the village states played, in the matter of promoting agriculture and social well-being.

(Minute, Board of Revenue 5th January 1818)

On the establishment of every Tamil village as now constituted the right of occupancy of the whole land were equally shared by all the Vellar settlers as a collective body not by each individual; every one of them possessed a separate equal share of the whole."

The first stage of the agricultural operation commenced in this way. The lands were cultivated either by joint stock and labor, cattle and implements, the produce being shared by the members of the village community or mirasdars, according to their respective shares, or separately by each mirasdar but produce being subsequently shared by all of them according to their shares. This is known as Samudayam (Sanskrit) or Pasankari (Tamil).

As the colonists gained experience of the locality, all the available lands were classified according to qualities and yield. Each member, possessing his share in the different good soils, and bad cultivated the lands allotted to his share separately, but the lands were subject to re-distributions at stated intervals as might be agreed upon usually from five to thirty years, so as to give good and bad in turn to each." Each member had right to sell, mortgage or to dispose of in any other manner, not the land he for the time being was cultivating but only his interest in the whole corporate estate. This tenure is called Karieyedu and this tenure was largely prevalent in Tanjore at the time when it came under the British.

This is but a necessary step towards the last stage of evolution. The re-distribution system would however prevents an enterprising cultivator from bestowing his skill and capital to the full extent in the land he was cultivating as it would likely to go to another sharer in the next re-distribution.

The final step is, therefore to own land subject to no periodical re-distribution and make it pass to his successive generation. Upon mutual agreement among the members of the corporation, further re-distribution would stop. In many places in European Russia individual ownership is replaced by the re-distribution system which is still largely prevalent there. The lands would be held severally with individual ownership and individual liability for the payment of the Government revenue. This is called Palabhogum, Achandrarkam (Sanskrit), Arundikarei (Tamil). Very rarely the whole mirasy of a village is now found vested in one individual in Tanjore. This tenure is denoted as Ekabhogum village (single landlord village).

The constitution and functions of the village corporations, under these stages with but slight alterations, were similar.

The theory that severality and joint villages belong to different types having different origins altogether has no foundation whatever in facts. It is the one corporation gradually developing into fully blown village-government which served agriculture and all depending upon it during the successive stages of development of peasant proprietorship.

The official document referred to says, that the entire land belonged to the corporation and the central state made no claim on any portion of the land except taking taxes on the cultivated area.

The concessions made by the central state to the village states were substantial. "From the earliest times, it would appear that a certain portion of arable land were held altogether free from tax and the same attached to the Meerasy (corporation) as an integral and important part of that right. There was another peculiar privilege of the Meerassidars, namely their right to certain fees which they received in the shape of deductions from the gross produce of all the cultivated lands paying taxes to the Government. These fees are distinct from those paid to the village officers.

The land policy of a Hindu state of old either in the North, South, East or West, is stated to be the same. It was simple. There was one ownership to the land and that ownership was vested in the peasant proprietors and the revenue collected as tax. The village state was created from time to time for the encouragement of peasant proprietorship as well as to secure the well-being of the agricultural population. This village state had under its control all the lands, included within the limits of the village. Each member of the corporation had a share in the cultivable waste. Taxes were levied on the cultivated lands, but not on all lands included in the ryots' holdings as is done at present. The lands enjoyed by the various individuals that rendered communal services paid no tax and there were places also where each peasant proprietor paid the Government tax on them but the Government in turn permitted him to enjoy some cultivated lands free from Government tax. The state officials and the beneficieries that received a certain portion of the government revenue either as salary or endowments had no right whatever in the village. The South Indian land tenure literature, contains a long list of endowment of land given for encouragement of agriculture, art, industry, religion and the deformid persons and others unable to support themselves had also lands endowed. The village government by means of co-operative works were able to look after irregation, sanitation, roads etc., under the authority of the village council. The village police and magistracy were sure guarantees against theft, or other crimes, disturbances of order, peace and security and civil justice was prompt and cheap. What body is to the soul, the village government was for agriculture and rural population.

Land policy under the Mahammadan rulers :—

Arabic and Persian scholar as our author was, he supports every statement of his relating to the Mahammadan period from Koran, authoritative works on Mahammadan juris-prudence and history or official documents.

In speaking of this people, he asks his readers to bear in mind, that they considered it a religious duty to bring "All nations of the earth, under subjection and within the pale of their religion". For the fulfilment of these objects they have the highest motives and the highest authority. A short time served to convince the followers of the prophet that it was impossible to enforce this practice on all occasions.

One of the earliest of the Mahammadan conquests after the death of Mahammad, was that of Egypt and the terms offered to the infidels who refused to embrace Islam are these.

1. They should not be compelled to quit their country.
2. They should not be deprived of their females (families)
3. They should be allowed to live peacably in their houses.
4. The land should not be liable to any additional tax.

These injunctions were almost kept up but they were of course cast to the winds by the cruel and absolute rulers like Allaooddeen. No civilised ruler worth the name without casuing serious offence to humanity would find any support for any of its act from such specimen rulers and they therefore must be dismissed out of our minds when dealing with the land problems under the Mahammadan rulers in general.

"In examining the details of Mahammadan history which has been minute in recording the rise and progress of all these (Mahammadan) kingdoms, we nowhere discovered any attempt to alter the system originally adopted. The ministers, nobles, and military all bear Mahammadan names and titles, while no account is given of the Hindu institutions being subverted or Mahammadan officers being employed in the minor details of the civil administration".

"One of the earliest acts of the first Musalman kings of Cashmir in the year A. D. 1326 was (Brigg's Ferishta, Volume IV page 453, Hist. of Cashmir)" to confirm for ever the ancient land tax, which amounted to seventeen percent, or about $\frac{1}{6}$ of the whole produce of the land".

"No Mahammadan prince of whom I have ever read say our author claimed possession or ownership of the soil; his right, like that of the Hindu sovereigns, was limited to a portion of the produce, not fixed in money, but regulated according to the value of the crops.

"The reply of Ghulam Hosseen Khan, (author of Syed Matakhireen, an historical work of our own times) one of the most able and intelligent Mahammadan in Bengal to Mr. Shore, the present Lord Telignmouth, on this point is full of value. The question is "Why did the king purchase lands, since he was the lord of the country, and might therefore have taken by virtue of that capacity? Answer "The Emperor is not so far lord of the soil, as to be able to sell or otherwise dispose of it at his mere will and pleasure. Emperor is the *proprietor of the revenue*, but *he is not proprietor of the soil*". Hence *it is when he grants aymas, altmughas and jageers*, he only tranfers the revenue from himself to the grantee"

"Abool Fuzl the celebrated minister of the Emperor Akbar (Ayeen Akberry Volume II page 245) has left us very full information of the old Mahammadan Law regarding landed property, and on the taxes to which, it was subject."

In former times (observes Abool Fuzl) the Monarchs or Rajas of Hindustan only exacted one sixth of the produce from the cultivator. In Turkistan the husbandman paid the fifth. In after times Nowsheman is said to have raised the land tax to one third of the produce".

In referring to the assessment of Akbar, (our author says) "His Majesty directed that a settlement should be concluded for ten years and the tenth part of the total was taken as the annual rate. Before his measurements even were completed, he was reduced to the necessity of assessing whole villages and leaving it to the people themselves to distribute the portion payable by individuals— The village assessment of Akbar was adopted by his son Jehangeer and his grandson Shahjehan and the European travellers who visited India in those days, speak of the extrodinary prosperity and wealth of the country."

Aurangazeeb abandoned the plan of Akbar and claimed an equal division of the crop with the cultivator. This practice however was by no means universal; the proportion varied according to the nature of the land and of the crops. Thus, sugarcane, opium, ginger, and whatsoever produce required the extra labour of watering from wells, only one fourth if received in hand, more expensive crops than these paid only one sixth of the produce; yet we find him still respecting the proprietory right of the soil. This is singularly illustrated in the circular instructions issued by him to his several controllers of the land revenues. The author has given the translation of the document containing the circular instructions which is dated in the year 1668 (Vide page 38).

In summing up the land polities of both the Hindus and Mahammadans our author says—The evidences of Hindu and Mahammadan law and practice have shewn not only that private property does and always has existed throughout the earliest ages, in every field in India, but that our predecessors wherever they professed to govern according to law, fixed a limit, which according to the Hindus never exceeded a sixth in the time of peace, and which, under the last Mahammadan Governments, was restricted to a fourth of the value of the crop estimated on the actual produce.

THE LAND-POLICY UNDER BRITISH RULE.

The survey of the land problems in the pre-British times being over we shall see how far the present land-policy of the Indian Government is in accordance with those of their predecessors—the Hindus and the Mahammadans.

The Government of India Resolution dated the 16th January 1902 in respect of their land policy says that it is based on the authority of the Regulation XIX of 1793 in which is said to be embodied the principles and practices of the ancient Governments. The circumstances which led to the passing of the regulation should be carefully borne in mind, in order to determine the character of the present land policy.

"Since the year 1707, which closed the reign of Aurangazeb, the Government of Bengal had been subject to much fluctuation. Each of the numerous sovereigns, his successors, appointed a Viceroy. The imbecility of the Court of Delhi, and the temporary character of its Viceroyalty, induced these regal lieutenants to make their own rapid aggrandisement and accumulation of wealth the main object of deputation, and the order and system which had prevailed since the days of Akbar had long ceased to exist."

The weakening of the central power thus let loose the forces of disintegration all round, disturbing the established order of things and finally subjecting the entire continent to the Rule of Might.

The great Revenue Reform which Akbar attempted was not as successful as he intended. Consequently quite a different course had to be adopted later on.

"The Des-Adikars or Zamindars under the Muhammadan Sovereigns, to the latest periods, were constituted civil Governors of the Districts, and it seems likely that the Government having fixed one third or one fourth of the crop as the public demand on the cultivator assessed each district in a sum of money supposed to be equivalent to that portion of the produce, and left it to the Zamindars to distribute and realise the assessment. The Government always limited its demand to its due share or that Zamindar did not exceed it, in raising the revenue from the lands holders, seems very unlikely." Our author gives in extenso the translation of the copy of the Zamindary patent granted to Chitan Singh during the reign of

Aurangazebe for the District of Bishenpore. It is quite patent that the Zamindar was treated as an official pure and simple, his functions were well defined, he was strictly accountable for all collections, he was prohibited from making unauthorised collections, and he was paid as remuneration a certain share from the revenue collections. A few sentences from the translation of the Sannad will be worth noting. "Let him pay the revenue of Government into the public treasury at stated periods, let him engage the body of landholders in such a manner that signs of an increased cultivation and improvement of the country may daily appear and let him keep the high roads in such repair that travellers may pass and repass in the fullest confidence and security. Let him see there be no robberies or murders committed within his boundary.—Should he fail in producing the parties offending he must himself make good the property stolen—Let him transmit the accounts required of him to the Government, under his own signature and that of the Canungoe and after having paid up the whole revenues completely at the end of the year let him receive credit for *Maskurat* (allowances) agreebly to usage and finally let him refrain from the collection of any of the abwab or imposts abolished, or prohibited by Government.

Subsequently weak rulers unable to enforce the terms of the sannad were compelled to utilise the district officers or Zamindars as farmers or contractors of revenue. The status and influence the District Officers gained in their jurisdictions were highly helpful to the usurpers—Viceroys and Governors &c., in proclaiming themselves as rulers and therefore nothing stood in the way of their making themselves as chiefs and landlords. In the same manner other important state officials Civil and Military came to be recognised.

As the medieval or dark Europe, favoured the growth of feudal estates, so the anarchical period which prevailed from the commencement of the 18th century, laid the foundation of the Zamindary institution in this country. In both these places, as a distinguished Anglo-Indian Official of the early days puts it, "force official convenience, and defence under weak Governments, seem to have produced these monsters in civil society." But there was this distinction between the feudal lords of Europe and their prototypes in India in that the latter "seemed neither to have claimed nor exercised the rights of property in the soil nor did they interfere further than to receive the Circar rents from the ryots."

To be continued.

Miscellaneous

The Madras Hindu Religious Endowments Bill.

Statement of Points against the Bill submitted to His Excellency the Viceroy and Governor-General of India.

By The Hindu Conference, Udipi.

Continued.

III. Mutts

22. The next group of objections relates to the inclusion of Mutts. As to them the case cannot be put more tersely or better by us than by that eminent Judge of the Madras High Court, Sir T. Muthuswami Iyer, who as President of the Religious Endowments Committee reported to the Government at the time of an earlier attempt at legislation of this description in 1893:—

"One way in which we have endeavoured to limit the scope and application of the proposed Act is by placing Matams outside the field of its operations. It may be stated here that matams were to a greater or less extent brought under control by the Bills of 1878 and 1886. The consideration that weighed with us in proposing the exclusion of Matams from the operation of the Act are :—

(a) "that Matams are institutions primarily and specially designed for imparting spiritual instruction, not places of public worship in their essential character;"

(b) "that Regulation VII of 1817 was not applied to them, nor was Act XX of 1863."

"Disciples who receive spiritual instruction are the persons directly interested in the welfare of these Matams. Such diciples constitute bodies of different sects, and to them belongs the right as far as such right exists, of securing a proper administration of the funds of the Matam. The extent to which a Matadhipathi can be held to hold in trust the funds of the Matam and his amenability to render an account of his stewardship of such funds are points involved in doubt and difficulty. Though the Committee is far from being convinced that the manner in which Matam funds are administered is such as to render check and supervision unnecessary, it is still strongly of opinion that the wisest policy is to leave each sect to take care of its own Matams. It seems undesirable to subject Matams to the control and scrutiny of Committees of a general character, with no special sectarian leanings and no motive to pay the heads of Matams that deference which their position of high priests makes them feel they are entitled to. If the spiritual head of a Matam should be found guilty of malversation it would be thought a grave abuse of power for any secular Committee such as those to be appointed under the proposed Bill, to remove them from office, as their continuance or removal depends upon the wishes of the votaries of the Matam who are almost always disposed to overlook all shortcomings and lapses on the part of their Guru or high priest".

23. The following reasons demand that Mutts should be altogether excluded from a Bill of this description :—The definition of Mutts as given in Cl, 5 (7) of the Bill is wholly out of keeping with the true state of things. A clumsy endeavour to give these institutions a semblance of "trust" has ended in the jumbling up of truths, half-truths and falsehoods in vague and meaningless language. A Mutt is said to be an institution for the promotion of "Hindu Religion". The phrase "Hindu Religion" is not defined and as it is, it covers all creeds not being Judaism, Christianity, Mahomadanism, or Buddhism. Many of them are as foreign to the real Vedic or Shastric religion as Christianity and Mahomadanism are. The word "Hindu" is itself a new word specially coined to denote all classes of people from the orthodox Brahmin to the Panchamas and the hill tribes. Again any person who claims spiritual headship over some disciples may found an institution when it is called a Mutt. There are hundreds of such Acharyas who get property from their disciples and the places of their religious worship and instruction can hardly be called Mutts. Judicial pronouncements of the highest tribunal of the Empire repudiating the trust and trusteeship theory regarding Mutts and authoritative pronouncements of eminent Jurists like Sir Bhashyam Iyengar declaring Mutts to be no places of public or religious worship and the provisions of Hindu law (not usage or direction of founders as assumed in this definition) which govern succession to Mutt properties, have all been brushed aside to give room for a fanciful definition and convenient description. The Bill thus invalidates the latest Judgment of the Judicial Committee of the Privy Council, overrides legal opinion of lawyers of universally recognised merit and lastly supersedes the Hindu Law.

24. A Mutt literally means the residence of an ascetic (Sanyasi.) These Sanyasis had originally no property whatever and travelled from place to place and

imparted religious instruction, living on *Bikshas* (alms) given by disciples. Their theological learning, pious character and religious teaching attracted numerous disciples who, out of respect to their person as Gurus and in return for the religious instruction, made large presents in money and kind. The great Acharyas of each school of religious philosophy utilised them to perpetuate a line of religious teachers who constituted "Mutts" and in course of time acquired property. Accordingly there are Mutts belonging to the Adwaita system owing their origin to Sankaracharya, Mutts belonging to the Visishtadwaita system owing their origin to Ramanuja-charya, Mutts belonging to Dwaita system owing their origin to Madhvacharya, and lastly Mutts like Sri Hathiramji and Haradakhandi representing Vaishnava Siddhanta and Mutts like the Tiruvaduthurai, Dharma puram, Tirupanandal &c., representing the Saiva Siddhan-tha (vide I. L. R. 10 Madras 375). Inscriptions and Copper-plate grants of lands made to some of these Matadhipathies by Hindu Kings clearly show that the gifts were made with full and unrestricted power to the Acharyas to give, sell or otherwise alienate them at their pleasure. (Vide pages 60 and 76 of the Book of Copper-plate Grants to the Kamakotee Sankaracharya's Mutt at Kumbakonam.) As pointed out in the case in I. L. R 27 Madras 435, the influence exercised by these Mutts as centres of theological learning on the religious literature of the country was great and whatever short-comings there may have been now and then as was admitted in that particular case, "the heads of Mutts enjoy the esteem of the communities and continue to serve more or less the purpose intended, the principal object of these institutions being the maintenance of a line of competent teachers who are given for the welfare of the foundation itself a real and beneficial interest in the usufruct, the restrictions in the nature of the enjoyment whereof being merely in the nature of a moral obligation". (Vide 10 Madras 375).

25. For some time there was some controversy as to whether the position of heads of Mutts should be assimilated to that of trustees but the matter has now been set at rest by the final and authoritative decisions of the Privy Council in accordance with the sounder doctrine laid down in I. L. R. 2 Mad. 175., 10 Mad. 375 27 Mad. 435, and 33 Mad. 265. (F. B.) notwithstanding various attempts made before the Law Courts to reduce Matadhipathies to the level of the trustee of an ordinary Temple. It is enough to refer to the very recent decision of the Privy Council (I. L. R. 44 Mad. 831) in which all the previous cases relating to the status and powers of the head of a Mutt are considered and contrasted with those of the manager of a temple and which must now be taken to have once for all settled all conflict of judicial opinions that might have been imagined to exist. The case in question concerned the Vyasaroyer Matam, one of the biggest Brahmin institutions held in great veneration by a large class of Madhva Brahmins and Their Lordships finding that the endowment was for the general purposes of the Mutt, ignored the entry in the Inam Register that the properties have been given for the worship of the idol in the Mutt. Their Lordships maintained that "a trust in the sense in which the expression is used in English Law was unknown in Hindu system, pure and simple." (Vide Privy Council at page 839). They emphatically repudiated the position that the Matadhipathi was a trustee; and it is submitted that this exposition settled once for all the true legal position of a Matadhipathi as one having ample discretion in the application of funds of the institution and as having large beneficial interest. His duties are governed by custom and he is not a trustee of the endowment. They then referred pointedly to the fact that the Indian Legislature exempted from the scope of Indian Trust Act the rules applicable to Wakf and Hindu Religious Endowments. The provisions of the Bill do therefore in a very substantial measure affect the position of the Matadhipathies and impose on them restrictions which are wholly inconsistent with their position as spiritual teachers of recognised sanctity under the Hindu Law.

26. The provisions of the Bill proceed therefore upon the mistaken view that Mutts stand in the same position as temples, that a Matadhipathi is a trustee and that the status of the Acharya can be split up into a religious and secular character which is the very object of the Mutts to keep indissolubly fused. Further it should be remembered that the ancient Hindu and Mahommaden rulers of this country did not interfere with the management of the Mutts and when their successors, the East India Company in the first decade of last century assumed control and management of all temples, they left the Mutts alone.

27. To bolster up this wholly iniquitous Bill, the analogy of Indian States, particularly of Mysore, was attempted to be utilised by the Minister in-charge during the interview with H. E. the Governor of Madras and also by one of the Ministerial party in his public address. It is audacious to cite instances without knowledge of them. The Muzarai Department in Mysore since merged in the Revenue Department deal with religious endowments. That Department is paid and maintained by Government and is not authorised to levy contributions from those institutions for its upkeep or other charges. Its main duties regarding mutts have been confined to resuming management of mutt properties in cases of heavy circumstances and on the initiative of the Matadhipathies themselves. No penalties or coercive processes are contemplated or provided for lapses and laches by Matadhipathies and Temple trustees. Its functions do not encroach upon established rights and privileges. It has been created to help these institutions whenever expert assistance is found necessary. The law relating to Endowments in Indian States is devoid of even one hundredth part of the stringency and rigour of the present Bill. Moreover the head of the State is a pious Hindu who has to revere the Matadhipathi to whatever sect the latter may belong. Where the resources of an institution are too limited to permit of its maintenance on a proper scale, it is not infrequently the Ruler devotes out of private funds. It would be interesting to know what the Ministerial party and the Government should it support the former, will say to this.

28. The only reasons furnished by the statement of objects and reasons and the Select Committee's report as justification for the inclusion of Mutts are (1) that they have endowments which are mismanaged and (2) that the position of Matadhipathies is a fiduciary one in regard to the endowments and their income, the Matadhipathi as an ascetic being alleged to be incompetent to hold property. These reasons ignore altogether the history of the origin and nature of the so-called endowments and the legal rights of the Matadhipathies as laid down by the rulings above cited. The Shastraic prohibition against holding property exempts Heads of Mutts and the only thing an ascetic has to do is to spend the gifts made on purposes considered by him to be religious.

Sweeping allegations by the authors of the Bill regarding mismanagement of Mutts, only betray profound ignorance of the traditions of some important Mutts, the constitution of which provides against such contingencies. The eight Mutts of Udipi in South Canara, for instance, are governed by the "Dwandwa" and "Pariyaya" rights. For this purpose the eight Mutts form four batches of two each. The Sri Krishna Mutt is the ninth and the central institution of which the management is taken charge of by one of the eight Mutts for a period of two years only and handed over to another for the next two years and so on. This arrangement not only precludes mismanagement and misappropriation but also provides for meeting extraordinarily enormous expenditure quite out of proportion to the income from Mutt properties, Government subsidies, pilgrims' contributions, income from managing Mutt's individual properties and such other incidental incomes. The Matadhipathies invaraibly run into debt which they liquidat-

from their earnings and incomes in the fourteen years of respite they get before the next turn comes. The division into batches of two each is for purposes of mutual assistance and carries with it certain well defined privileges and liabilities. On emergencies such as those contemplated in Cl. 38 viz., incompetency of the Matadhipathi due to lunacy or minority, death of the Matadhipathi without nominating a successor, flagrant mismanagement, moral depravity and such other cognate instances necessitating active outside interference, the other Matadhipathi of the batch is in consultation with the rest authorised to depose or otherwise punish the defaulting or recalcitrant Matadhipathi, resume management, nominate successor and perform such other functions as the circumstances of the case demand. Every Brahmin Mutt has a corresponding Dwandwa Mutt either in or outside the Province to take necessary action on such emergencies. Should these immediate machineries fail, the right devolves on the "Mahajana" the Committee of elders among disciples of the particular Mutt to discharge all the above mentioned functions. That this provision is not an after thought or is inoperative even if it exists, is evidenced by a recent dicision of the Madras High Court in a suit in which the validity of the deposition of Puttigai Swami, Udipi, (S. Canara) was involved and upheld. Such established rights and privileges the Bill attempts to wrest from the original parties and confer on a heterodox Board.

Further, it does not also appear that any representations from any appreciable body of disciples of any of the Mutts, at any rate of the Brahmin Mutts which are larger in number, have been made to Government. We strongly urge that it would be subversive of all rights of property and the principles of order and good government if any unwarranted interference by legislation which aims at the destruction of the rights to property so well known, recognised and respected by the highest tribunal should ever be attempted. Such a policy is dangerous in the extreme and would be intolerable as a precedent.

29. Any legislation of this description far from improving the position of Mutts according to the intent of the original foundation and according to the notions of the community will only divest them of all religious character and completely secularise them. These institutions will no longer be centres of theological learning and piety nor will they exercise that vital influence in the religious life of the community which it is presumed is as much the object of the Legislature as of the community at large. The mismanagement of a Mutt here and a Mutt there by particular incumbents should not lead to their inclusion in the Bill. The remedy for such defects as exist is being rapidly supplied by the recent awakening of the disciples of Mutts and the consequent pressure of public opinion which tends increasingly to exhibit itself in the care with which successors to mutts have in recent years been selected. After all neither a Board nor any of the other details provided for in the Bill will raise the Mutt in the estimation of the disciples or the public as much as the religious character and qualifications of each incumbent. The Bill will not succeed but public opinion alone will, in providing a line of competent teachers which it is the sole purpose of these Mutts to secure.

30. Several of these Mutts have properties not only in this Province, but outside, in other parts of British and Indian States. The Uttaradi Mutt, the Vyasaroya Mutt, the Raghavendra Swami Mutt, the Sode Mutt and several other Mutts have their Head Quarters in the Indian States and outside the limits of British India even though they own properties in this Province. The Ahobilam Mutt, the Saiva Siddhanta Mutts of Tiruvaduthurai, Tiruppanandal, Dharmapuram, &c., the Puttigai Mutt and others have their properties in the various parts of British India and in the Indian States. The Madras Legislative Council has no jurisdiction to pass a law which would confer power on an agency created by that law to exercise check and control over properties situated in other parts of India. We have taken legal advice that it is beyond the province of the local Legislature to do so.

31. The very wide powers that are conferred upon the Board of Commissioners by Clause 14 (1) and (2) of the Bill including all matters of administration (see also Clause 15 (1), Clauses 34, 35, and Clauses 57, 58, 59, 67 (2) (g) and (i) and 69 sub Cl. (2) will be wholly repugnant to the usages of these institutions and will reduce a Matadhipathi to the position of a mere subordinate amenable to the control and to the supervision of persons who may or may not belong to the perticular religious Siddhanta which the Mutt was founded to expound but may even have actual prejudices against it. It cannot be denied that heads of these Mutts are the Gurus of a section of the public and that they are held in high esteem by them and by the general public. To make them subservient to any outside agency and to control their discretion or substitute for it that of some other agency, however high placed, will be subversive of their rank and dignity, reduce them to a level no better than that of a mere manager of an ordinary Temple, and lower their prestige in the eyes of their disciples, if not of the general public. And their position will be inconsistent and intolerable when some of their own disciples happen to become members of the outside agency which is designed to control them or check them in their management.

32. The constitution of the agency provided to exercise this supervision over Mutts is also open to grave objection. Clause 8 of the Bill provides that any person "professing the Hindu Religion" may be a member of the Board. We have already indicated how vague the words "Hindu Religion" are. The word "profess" means according to the Oxford Dictionary "lay claim to" "pretend to be". Among the vast mass of Hindu population there are a very large number of persons especially those who have had Western education who profess to be Hindus but who do not practice Hinduism and who have absolutely no faith in its tenets or observances. Even the simple amendment moved by the opposition in the Council to substitute the word "practice" for "profess" was rejected by the Ministerial party. Hindu religion is again not a religion that can be "professed". It is not a personal religion nor does it consist in any particular, definite creed. A Hindu like a Jew, is born and not made and no one is a real Hindu though born as such, who does conform to the *Dharma* laid down for his *Varna* (caste) and *Asrama* (stages in life). No person who, for instance, has returned from England and who has tasted forbidden food or who has given up the essential observances laid down by the Vedic and Shastric rules will be admitted into many of the Mutts or Temples under existing circumstances. How then are persons whose qualifications are set out in Clause 8, as including all such persons who are really outside the pale of proper Hinduism competent to control and supervise all the affairs of the Mutt in their minutest detail? Then again, the usages of the Mutts vary from place to place and from Mutt to Mutt and what is the guarantee that the members of the Board will have any knowledge of or any respect for these usages, especially when the primary functions of these institutions are religious teaching, religious worship and free feeding, functions in whose efficacy the Board is not likely to have much of faith.

33. The experience of the working of the various Temple Committees should be quite sufficient to prevent the Legislature from extending the supervision of any such body like the Board of Commissioners over other institutions where control by a single ascetic individual is of the essence of the foundation (Vide the Judgment of Messrs. Subramanya Iyer and Bhashyam Iyengar, J. J. in the Udipi Mutt case referred in 27 Madras 435). These Institutions are intimately bound up with the faith of large sections of the community and afford initiation, solace, and religious instruction to persons who stand in the peculiar relation of disciples to a Guru.

and who will therefore regard any imposition of any Board of Commissioners over their Guru or religious superior as a serious interference with his sacrosanct character and position; for it must be remembered in theory as pointed out in I. L. R. 10 Madras, and 27 Madras that the original Acharya is incarnate in the person of each successive Swami and that the elaborate ceremony of Acharya *Abhishekam* invests him with a sacred character.

34. A rapid survey of the main features of this obnoxious Bill will at once show that the provision of Chapters IV, VI, VII and VIII and Clause 69, 72 and 74 of the Bill are sufficient in themselves to enable a Board of Commissioners however constituted to interfere with the affairs of the Matadhipathies in ways inconsistent with their status and rights as hitherto understood and respected. Clause 36 and the definition of the trustee, Clause 5 (13) and Religious Endowments Cl. 5 (11) make every Matadhipathi a trustee in direct opposition to Hindu religious principles and to the Hindu Law as expounded by the Courts and amounts to a confiscation of such rights as he possessed in these institutions. The Matadhipathi is bound to have accounts audited (Vide Cl. 41) and to pay for the audit Vide Cl. 44 (1) and (2) The Board can appoint a person temporarily to discharge the functions of a Matadhipathi until some one succeeds to the office or until a minor or lunatic Matadhipathi becomes a major or sane (vide Cl. 38). A Matadhipathi who is an ascetic is bound to submit to the Board a register signed and verified by himself, vide Cl. 34 (2) and it is still worse to empower the Board to distrust the contents of his register, start an enquiry and dictate alterations, additions or omissions as it thinks fit. Vide Cl. 35 (2) which shall be carried out by the heads concerned, vide Cl. 35 (3). Under Cl. 36 he is also bound to obey all lawful directions which a competent authority may issue in respect thereof. Cl 57, requires the head of a Mutt to send a budget showing the probable receipts and disbursements of the following year. This would be an impossible budget because no head of any Mutt knows till at the end of every day what his income for the day under the several heads or what his expenditure under feeding charges etc., for the day will be till actually the day passes. This would be an impossible feat to perform. And again under Clauses 58 and 59 without defining what improper puposes are, the Board is empowered to make enquiries into and frame schemes for the management of a Mutt and so forth and if it comes to the conclusion that a particular head of a Mutt should not be there, it is empowered to institute proceedings to remove him (Vide Cl. 69 (1) (a). By Clause 61, any scheme of administration decreed, under Cl. 60, may at any time be modified or cancelled by the Court at the instance of the Board. The Privy Council has held in the case of Kunnakudi Mutt I. L. R. 44 Madras 283 on appeal from 33 Madras (F. B.) that the Courts have no jurisdiction either to remove a Matadhipathi or to frame a scheme under Section 92 of the C. P. C, But not only does Clause 59 enable schemes to be framed by the Board but it can also sue for the removal of a trustee under Cl. 69, which as pointed out above cannot be done under Section 92 C. P. C.

The surplus income of the Mutt can be applied in new ways under Clause 63 of the Bill while according to all decisions of all the Courts it is left entirely to the discretion of the Matadhipathies. Further than this a Matadhipathi cannot exchange, sell or mortgage or make a lease for a term exceeding 5 years in respect of any property of the Mutt (Vide Cl. 72) unless the alienation is sanctioned by the Board. This reduces him to a position worse than that of an ordinary trustee of property under Section 36 of the Indian Trusts Act. On the top of all these comes Cl. 38 which says that the Board can appoint a Matadhipathi under certain circumstances. No provision is made as the qualifications of the incumbent for this important religious office (the Brahmin Matadhipathies are all installed in their infancy, are celibates and are expected to be well-versed in the Sastras) except the vague and non-committal statement that the claims of disciples shall be duly regarded. As a matter of fact, each Mutt has got by long usage a specific arrangement for filling up a vacancy in the office of the Acharya. Such, for instance, as the "Dwandwa" right in the case of Udipi and other Mutts already referred to. The appointment thus made under Cl. 38 becomes absolute and, whatever the learning, character or habits of the man and however repugnant to the community the appointment may be, a Court will summarily put him in possesion of the properties of the Mutt under Cl. 74.

To quote one more obnoxious provision besides many already pointed out, Clause 15 of the Bill empowers the Board to frame by-laws in regard to various matters of administration the chief among which, relates to details which, in its opinion shall be included in or excluded from the budgets (Vide Cl. 15 (1) (i). This specific power in addition to the very wide powers already conferred on the Board would be a source of constant trouble: for under cover of this provison the Board can certainly interfere with the normal expenditure by heads of religious institutions according to usage and custom and will help to create surpluses albeit under pressure. It may be said that Cl. 75 provides a safeguard to maintain the established usage but the power given by Cl. 15 (1) to frame by-laws as to the details to be included in budgets and the general powers given by Cl. 14 coupled with the power given to the Board to ascertain the "established usage" may be so exercised as to render this apparent safeguard altogether nugatory. The definition of "endowments" in Cl. 5 is another fruitful and certain source of perpetual disputes between the Board and the Mutts.

35. Further, Clause 77 is objectionable as it imposes taxation. It is a provision not found in the orginal Bill but introduced later by the Select Committee. Again a Matadhipathi may be asked to contribute to the expenses of the Board $1\frac{1}{2}\%$ of his income (Cl. 65 (1)). In the case of the many Mutts the income is wholly insufficient to meet their legitimate needs, and the contribution will therefore be positively harmful to their interests. Cl 64 provides for the payment of all costs and expenses incurred in connection with legal proceedings in respect of any religious endowment to which a Board or committee is a party, out of the funds of the endowments irrespective of the results of such proceedings. Clause 69 (1) which bears a superficial resemblance to Sec. 92 of the Civil Procedure Code omits the safeguards as to cause of action and the Advocate-General's sanction and creates a new right of suit for removal of the Matadhipathi.

36. It will thus be seen, that the provisions in the Bill as to Mutts are of a very far reaching and mischievous character, not justified by the history and traditions of these institutions, wholly inconsistent with maintenance of the status and dignity or the established legal rights of the Matadhipathies as Gurus and Acharyas and altogether unsuited to the future prosperity of the Mutts and entirely obstructive of the due performance of their functions so essential for the spiritual solace and religious benefit of their numerous disciples.

IV. Diversion of Surplus Fund.

37. Other important provisions in the Bill to which special objection is taken are, Clauses 63, 64, 65 and 66. The view taken by Mr. Justice Sankaran Nair and other learned Judges in the Full Bench Case in 33 Madras 265 and approved by the Privy Council in I. L. R. 44 Madras 831, is that "any surplus that remains in the hands of a Pandara Sannadhi he is expected to utilise for the spiritual advancement of himself, his disciples or of the people. But his discretion in this matter is unfettered. He is not accountable to any one and he is not bound to utilise the surplus. He may leave it to accumulate." The clauses in question wholly deprive him of this legal and customary right and are open to

serious objections on the following among other grounds.

38. The first ground is that the Bill which applies only to Hindu Religious Endowments seeks to make the surplus of Hindu Mutts and Hindu Temples available for objects other than religious. The modification of this doctrine as made by the Select Committee and approved in the Council is misleading as it still contemplates diversion of funds for purposes not contemplated in the Endowment. (Vide Clause 62 and 63) The charitable objects to which the surplus may be applied according to the Bill may be anything, medical relief, sanitation; poor relief &c. and will be common to all persons in a particular area whether Hindus, Mahommadans, Christians, Europeans or Anglo-Indians or others. The Court cannot make any invidious distinction and throw open the educational and other charitable institutions to the whole population in the area and not solely for the benefit of any particular section of the Hindus for whose religious welfare the Mutt in question functions. Again the surplus income of a Smarta Mutt may be sought to be appropriated to secular charitable objects open to Sri Vaishnavas, Dwaitas and other sections of Hindus for whose benefit neither the Mutt nor its endowments were intended and thus the operation of the clause will be to extend the class of beneficiaries not originally intended. I. L. R 31 Madras 236 and (1904) A.C. 515.

39. Secondly the Cypress doctrine is not legally applicable to Mutts or Temples and therefore the provision in the Bill is wholly misconceived. In the case of Mutts and Temples, unlike in the case of Chatrams, the object of the institution is definite and certain and the doctrine has no application as the object cannot become impossible of realization and the machinery cannot at any time fail. The first two conditions mentioned in Clause 63 do not therefore apply. The third condition says "where after satisfying adequately the purposes of the endowment there is surplus which is not required for such purpose." These Mutt Endowments and Temple Endowments were made wholly for the benefit of particular Mutts and Temples respectively and for no other objects. Any increase in the value of the property or any surplus in its income that may be available, legally and strictly belongs to the particular Mutt or Temple, in other words, to the bundle of services which make up the particular Mutt or Temple. It is therefore a plain and wrong diversion to give away its surplus income or any part of it to any "educational or other charitable purposes" like a hospital, or dispensary or an orphanage or asylum, library, or a town hall or a cricket field etc., or even to a religious object not pertaining to the particular school to which the Mutt belongs or the particular section for which the Mutt or Temple is founded. (Tudor on Charities 6th edition pages 200—201). The words "not inconsistent with the objects of such Mutt or Temple" cannot mean that the Temple or Mutt alone is to have the use of this surplus under the clause; for if it so means the whole of ceause 63 is rendered nugatory. The rules of Law relating to Cypress application do not in the least justify Clause 63. Where neither the land itself nor the total rents and profits are given to a particular charity or to a specific charitable purpose but certain charitable payments are to be made out of the income and there is a residue which is not exhausted by the purpose, then alone the doctrine of Cypress can be applied. Where even at the time of the Gift, a small surplus is left unappropriated it has been held that such surplus may belong to the particular donee. (Theobld on wills pages 642, 644)

40. The general principle was stated by Lord Westbury in I. H. L. S. C 421 in Clephens vs. Lord Provost of Edinborough. "You cannot substitute one charity for another. You cannot take a charity which is intended for one purpose, and apply it to a purpose altogether different" "Accordingly it has been held that where the trust was to erect alms house, the Court had no power to sanction the building of a hospital." (Philpet vs. St. John Hospital 27 Beav. 107). So also the gift for a particular charity or a School cannot be applied for any purpose unconnected with the Church or School in question.

To be continued.

H. H. Sri Jagadguru of Sringeri.

The illness of His Holiness the Jagadguru at Sringeri is a matter of grave concern and anxiety to the whole Hindu community and it is certainly to be regretted that there has been yet no official information published in the papers especially when several irresponsible representations find place there. I arrived here on the night of the 5th instant and am closely watching the progressive improvement in the health of His Holiness. To those who have seen him before the illness, it will be an inexplicable problem how His Holiness with his high power of intellect and scrupulous Achara came to be affected with a mental malady. Various surmises are made. The brain may have got heated by excessive study. The physical frame may have proved too weak to bear the mental strain of Dhyana Yoga. Isolated life devoid of any sort of diversion may have been the cause. He may have passed into the higher stage of Avadhuta. No doubt there may be some truth in all those guesses but the real reason seems to be that the malady is a hereditary one. His Holiness' father is said to have been affected with a similar illness just at the age which His Holiness is now passing; and the father's illness lasted only for a few months. I have seen his Holiness' father in his old age and there are very many friends of his here as he was a native of Sringeri itself and it is well known that the illness did not leave any trace at all behind. It is similarly hoped that His Holiness' illness also will pass away soon and that he will regain his normal health early. Though his Holiness seems to have exhibited signs of occasional absent-mindedness for some weeks before January, it was not possible to assign them to any mental affection. It was only suddenly in the middle of January that it was definitely perceived that his brain was affected. Within a few days of it, the malady increased by rapid bounds and took even a violent turn for about ten days. But it must be said that as His Holiness has been trained from his boy-hood very carefully even his violent ravings were mostly unobjectionable. He had however to be left alone in his residence with a few attendants. The Chandramowliswara and the Puja materials had to be removed to another place for some days. Soon after however, he gradually quieted down and resumed his own Ahnika duties. Since then he has been steadily improving and is now performing the Chandramowliswara Puja also occasionally in the mornings and almost daily in the nights. Except for occasional lapses of memory and consequent absent-mindedness, he is able to converse freely and cogently on all manner of subjects. Special pujas are being performed for his speedy recovery. His Highness the Maharaja of Mysore is sending doctors from Bangalore now and then for observing His Holiness. Mr. Visweswarayya, the doctor in charge of the local Hospital, has now been placed on special duty to attend on His Holiness. His Holiness is averse to taking any medicine and the doctors also are of opinion that no medicinal treatment will be of any use and that the only proper treatment is to see that His Holiness has timely meals and good sleep. His Highness the Maharaja of Mysore is daily kept informed of the progress that is being made. If the Southern India disciples do not get any authentic information it is more due to their own apathy than any unwillingness on the part of the Mutt authorities to give the information, for I find that the Canarese dailies, 'Sampadabhyudaya' or Wealth of Mysore and the 'Kanteerava' of Mangalore are getting daily bulletins from the Mutt as the Editors of those papers asked for them. As matters stand, there is every likelihood of His Holiness recovering perfect health in the course of a few months, if not weeks, and, having as he has the blessings of Sri Sarada and His Holiness the late Acharya, it seems to me that the disciples of His Holiness need not be anxious at all about his health though I need not say their united prayers for his early reeovery will not be without effect.

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